

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:21-CV-00166-M

CLINTON BRINSON,)
Plaintiff,)
v.)
ALICE LOUISE WALTON, SAMUEL)
ROBSON WALTON, and JAMES CARR)
WALTON,)
Defendants.)

ORDER

This matter is before the court on Defendants' Motion to Consolidate [DE-10] and Motion for Extension of Time to Reply to Plaintiff's Response in Opposition to Motion to Dismiss [DE-17]. For the reasons that follow both motions will be granted.

If actions before the court involve a common question of law or fact, the court may consolidate the actions. Fed. R. Civ. P. 42(a)(2). Decisions regarding consolidation are discretionary. *Campbell v. Boston Sci. Corp.*, 882 F.3d 70, 74 (4th Cir. 2018). Defendants seek to consolidate this matter with the action captioned *Brinson v. Brosnan*, Case No. 5:21-CV-00151-M, based on the contention that the both cases—filed separately by pro se Plaintiff in state court and thereafter removed to this court—advance claims stemming from Plaintiff's employment as a Security Officer for Brosnan Risk Consultants, Ltd. assigned to work at Walmart stores in Raleigh and Durham, North Carolina, and Plaintiff's subsequent termination. Plaintiff did not file a response to this motion. The court does not foresee a risk of prejudice or confusion in consolidating two nearly identical complaints filed by the same pro se Plaintiff against seemingly related Defendants. The court finds that administering the cases separately would only result in inefficiency. Based on the Defendants' representations, the lack of opposition by the Plaintiff, and

in the court's discretion, the request for consolidation is GRANTED with *Brinson v. Brosnan*, Case No. 5:21-CV-00151-M being designated as the lead case. In light of the consolidation, the parties are ORDERED to withdraw any pending motions that no longer require a court order within two weeks of the entry of this order.

The court may, for good cause, extend the time when an act must be done, if the request is made before the original time expires. Fed. R. Civ. P. 6(b)(1)(A). For good cause shown, Defendants' request for an extension of time is GRANTED. Defendants shall reply to the Plaintiff's response¹ to the motion to dismiss within twenty-one (21) days from the date of the entry of this order.

SO ORDERED this the 28th day of May, 2021.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE

¹ The court notes for the record that Plaintiff's response [DE-15] was mailed and filed after the deadline to do so expired. A letter informing the Plaintiff of the deadline was sent to him on April 19, 2021 [DE-13].